

REMARKS:

Claims 1-29 are currently pending in the application.

Claims 1-29 stand provisionally rejected under the judicially created doctrine of nonstatutory obviousness-type double patenting as being unpatentable over a copending application.

The Information Disclosure Statement filed on 28 November 2001 is objected to for certain informalities.

Claims 1-9, and 29 stand rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement.

Claims 2-5, 11-14, 20-23, and 29 stand rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

Claims 1-29 stand rejected under 35 U.S.C. § 103(a) over U.S. Publication No. 2002/0032637 to Moshal *et al.* ("Moshal") in view of the Examiner's Official Notice.

By this Amendment, the Applicant has amended Claims 2-5, 11-14, 20-23, and 29 to expedite prosecution of this Application and to more particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. In addition, the Applicant has amended Claims 7, 16, and 25 to correct certain typographical errors. The Applicant respectfully submits that these amendments are not necessitated by any prior art and are unrelated to the patentability of the present invention. By making these amendments, the Applicant makes no admission concerning the merits of the Examiner's rejection, and respectfully reserve the right to address any statement or averment of the Examiner not specifically addressed in this response. Particularly, the Applicant reserves the right to pursue broader claims in this Application or through a continuation patent application. No new matter has been added.

NON-STATUTORY DOUBLE PATENTING:

Claims 1-29 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-20 of U.S. Application No. 11/105,105. However U.S. Application No. 11/105,105 is unrelated to the subject Application.

U.S. Application No. 11/105,105 is entitled "IMAGE PROCESSING APPARATUS, IMAGE PROCESSING METHOD, PROGRAM FOR PROCESSING IMAGE AND RECORDING MEDIUM STORING PROGRAM" and has an inventor named Nara Yoshio Iwai. The subject Application is entitled "PROVIDING VISUALIZATION OF MARKET OFFERS USING PATTERNS OF GEOMETRIC DISPLAY ELEMENTS" and has an inventor named Noel Tenorio. The Applicant respectfully submits that the two above applications are unrelated.

The undersigned, Steven J. Laureanti, telephoned Examiner Sara Chandler on 15 November 2006 to conduct a telephone interview on the subject application and in particular, to discuss the Examiner's non-statutory double patenting rejection. During the telephone interview on 15 November 2006, Mr. Laureanti, requested clarification as to the U.S. Application cited by Examiner Chandler. Mr. Laureanti pointed out that the cited U.S. Application and the subject Application are unrelated. Mr. Laureanti respectfully requested Examiner Chandler to submit a telephone interview summary form to document the interview and further stated that a summary of the interview would also be submitted in this response.

In response, Examiner Chandler stated that she would submit a telephone interview summary and that there was a typographical error in the Office Action mailed 22 August 2006. Examiner Chandler further stated that the correct cited application should be U.S. Application No. 11/105,109. U.S. Application No. 11/105,109 is entitled "PROVIDING VISUALIZATION OF MARKET OFFERS USING A MULTI-DIMENSIONAL DISPLAY INCLUDING GEOMETRICALLY SHAPED ICONS" and has an inventor named Noel Tenorio.

In response, the Applicant is submitting a Terminal Disclaimer herewith. The Applicant respectfully submits that this Terminal Disclaimer obviates the non-statutory double patenting rejection of U.S. Application No. 11/105,109. Thus, the Applicant respectfully requests that the rejection of Claims 1-29 under the judicially created doctrine of obviousness-type double patenting be reconsidered and that claims 1-29 be allowed.

INFORMATION DISCLOSURE STATEMENT:

The Examiner states that "copies of the NPL references O and U on the IDS are missing. The Applicant respectfully submits that reference S and reference U are the same reference paper submitted with the Information Disclosure Statement filed on 28 November 2001. Reference S is entitled "@TheMoment Papers" and reference U is entitled "@TheMoment White Papers". References S and U contain several sections including a section entitled Case Studies which discuss Reference T and a section entitled White Papers which discuss References V-Y.

The Applicant is submitting herewith a copy of reference U. As discussed above, even though reference S and reference U are the same reference paper, the Applicant respectfully requests the Examiner to consider reference U.

REJECTION UNDER 35 U.S.C. § 112, FIRST PARAGRAPH:

Claims 1-9, and 29 stand rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the enablement requirement. However, it is respectfully submitted that the Office Action fails to establish a *prima facie* case of failure to comply with the enablement requirement.

The test for determining whether a claimed invention is properly enabled by the specification has been well-established: "Is the experimentation needed to practice the invention undue or unreasonable?" MPEP 2164.01, citing *Mineral Separation v. Hyde*, 242 U.S. 261, 270 (1916), and *In re Wands*, 858 F.2d 731, 737, 8 USPQ2d 1400, 1404

(Fed. Cir. 1988). The MPEP provides several factors for making an analysis of the undue experimentation question:

There are many factors to be considered when determining whether there is sufficient evidence to support a determination that a disclosure does not satisfy the enablement requirement and whether any necessary experimentation is "undue." These factors include, but are not limited to:

- (A) The breadth of the claims;
- (B) The nature of the invention;
- (C) The state of the prior art;
- (D) The level of one of ordinary skill;
- (E) The level of predictability in the art;
- (F) The amount of direction provided by the inventor;
- (G) The existence of working examples; and
- (H) The quantity of experimentation needed to make or use the invention based on the content of the disclosure. (see MPEP 2164.01(a)).

The MPEP clearly states that each of these factors should be considered when making an analysis of undue experimentation:

It is improper to conclude that a disclosure is not enabling based on an analysis of only one of the above factors while ignoring one or more of the others. The examiner's analysis must consider all the evidence related to each of these factors, and any conclusion of nonenablement must be based on the evidence as a whole. *Id.*, referencing *In re Wands*, 858 F.2d 731, 737, 740, 8 USPQ2d 1400, 1404, 1407 (Fed. Cir. 1988).

Thus, based on the guidelines set forth in the MPEP, a proper analysis should be based on evidence related to each of the above factors. However, the only discussion in the Office Action regarding this rejection is as follows:

The scope of Claims 1 and 29 is broad because it covers every conceivable system for achieving the stated purpose when the disclosure only discloses that which was known to the inventors. Dependent Claims 2-9 are similarly rejected. (22 August 2006 Office Action, Page 3).

It is respectfully submitted that the above is purely conclusory. As such, it provides none of the analysis required by the MPEP. For example, the MPEP requires that evidence related to each of the above factors ***must be considered***; however, the Office Action fails

to mention even one of these factors, and certainly provides no reasoning or analysis based on each of the factors.

It is also well-established that the Examiner bears the initial burden of providing the appropriate support for establishing a *prima facie* case in rejecting an application. As stated by the Federal Circuit, “[i]f examination at the initial stage does not produce a *prima facie* case of unpatentability, then without more the applicant is entitled to grant of the patent.” *In re Oetiker*, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed. Cir. 1992). Since the Office Action fails to provide any of the requisite analysis for supporting this rejection, it is respectfully submitted that the rejection is improper and should be withdrawn.

In light of the discussion above, it is respectfully requested that the rejection of Claims 1-9, and 29 under 35 U.S.C. § 112 be reconsidered and withdrawn.

REJECTION UNDER 35 U.S.C. § 112, SECOND PARAGRAPH:

Claims 2-5, 11-14, 20-23, and 29 stand rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. The Applicant respectfully disagrees.

Nonetheless, the Applicant has amended Claims 2-5, 11-14, 20-23, and 29 to expedite prosecution of this Application and to more particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. In addition, the Applicant has amended Claims 7, 16, and 25 to correct certain typographical errors. By making these amendments, the Applicant does not indicate agreement with or acquiescence to the Examiner’s position with respect to the rejections of these claims under 35 U.S.C. § 112, as set forth in the Office Action.

The Applicant respectfully submits that amended Claims 2-5, 7, 11-14, 16, 20-23, 25, and 29 are considered to be in full compliance with the requirements of 35 U.S.C. § 112. The Applicant further respectfully submits that amended Claims 2-5, 7, 11-14, 16,

20-23, 25, and 29 are in condition for allowance. Thus, the Applicant respectfully requests that the rejection of Claims 2-5, 11-14, 20-23, and 29 under 35 U.S.C. § 112 be reconsidered and that Claims 2-5, 7, 11-14, 16, 20-23, 25, and 29 be allowed.

REJECTION UNDER 35 U.S.C. § 103(a):

Claims 1-29 stand rejected under 35 U.S.C. § 103(a) over U.S. Publication No. 2002/0032637 to Moshal *et al.* ("Moshal") in view of the Examiner's Official Notice.

Although the Applicant believes Claims 1-29 are directed to patentable subject matter without amendment, the Applicant has amended Claims 2-5, 11-14, 20-23, and 29 to expedite prosecution of this Application and to more particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. In addition, the Applicant has amended Claims 7, 16, and 25 to correct certain typographical errors. By making these amendments, the Applicant does not indicate agreement with or acquiescence to the Examiner's position with respect to the rejections of these claims under 35 U.S.C. § 103(a), as set forth in the Office Action.

The Applicant respectfully submit that *Moshal* or the Examiner's Official Notice, either individually or in combination, fail to disclose, teach, or suggest each and every element of Claims 1-29. Thus, the Applicant respectfully traverses the Examiner's obvious rejection of Claims 1-29 under 35 U.S.C. § 103(a) over the proposed combination of *Moshal* or the Examiner's Official Notice, either individually or in combination.

The Proposed *Moshal*-Official-Notice Fails to Disclose, Teach, or Suggest Various Limitations Recited in Applicant's Claims

For example, with respect to independent Claim 1, this claim recites:

A ***system for providing visualization of market offers***, comprising a computer system operable to:

receive offer data for a plurality of offers, the received offer data reflecting values specified in the offers for a plurality of offer variables; and

generate a display of the received offer data, the display comprising a plurality of patterns, each pattern representing a particular offer and comprising a plurality of bars, each bar representing a particular offer

variable and comprising a set of one or more geometric display elements that by virtue of their appearance collectively encode, according to a predefined encoding scheme, a value for the offer variable corresponding to the bar. (Emphasis Added).

Independent Claim 10, 19, 28, and 29 recite similar limitations. *Moshal* or the Examiner's Official Notice fail to disclose each and every limitation of independent Claims 1, 10, 19, 28, and 29.

The Office Action Acknowledges that *Moshal* Fails to Disclose Various Limitations Recited in Applicant's Claims

The Applicant respectfully submits that the Office Action acknowledges, and the Applicant agrees, that *Moshal* fails to disclose the Applicant's claim limitations. Specifically the Examiner acknowledges that *Moshal* fails to teach a "system/method/software comprising: a plurality of bars, each bar representing a particular offer variable". (22 August 2006 Office Action, Page 6). However, the Examiner asserts Official Notice over the acknowledged shortcomings in *Moshal*. The Applicant respectfully traverses the Examiner's Official Notice.

The Examiner's Official-Notice is improper under MPEP § 2144.03

The Applicant respectfully submits that the Applicant is confused as to what the Examiner teaches by the Official Notice or even to the extent in which the Examiner is taking Official Notice. The Applicant respectfully request clarification as to the subject matter for which Official Notice is being taken. ***The Applicant respectfully traverses the Official Notice because the asserted facts, as best understood by the Applicant, is not supported by substantial documentary evidence or any type of documentary evidence*** and appear to be the Examiner's opinions formulated using the subject Application as a template, which constitutes impermissible use of hindsight. Furthermore, under these circumstances, it is inappropriate for the Examiner to take Official Notice without documentary evidence to support the Examiner's conclusion. (See MPEP §

2144.03). *The Applicant respectfully requests the Examiner to produce authority for the Examiner's Official Notice.*

Only "in limited circumstances," is it "appropriate for an examiner to take official notice of facts not in the record or to rely on common knowledge in making a rejection". (MPEP § 2144.03). "Official notice unsupported by documentary evidence **should only be taken by the examiner** where the facts asserted to be well-known, or to be common knowledge in the art are **capable of instant and unquestionable demonstration as being well-known**.

With respect to the subject Application, the Examiner's statement that "Official Notice is taken that it was old and well-known at the time the invention was made to use charts and graphs to present and analyze numerical and text data", **is not capable of instant and unquestionable demonstration as being well-known**. (22 August 2006 Office Action, Page 6). As noted by the court in *In re Ahlert*, 424 F.2d 1088, 1091, 165 USPQ 418, 420 (CCPA 1970), the notice of facts beyond the record which may be taken by the examiner must be '**capable of such instant and unquestionable demonstration as to defy the dispute**' (citing *In re Knapp Monarch Co.*, 296 F.2d 230, 132 U.S.P.Q. 6 (C.C.P.A. 1961))." (MPEP § 2144.03(A)). (Emphasis Added).

"It is **never appropriate to rely solely on "common knowledge" in the art without evidentiary support in the record**, as the principal evidence upon which a rejection was based. *Zurko*, 258 F.3d at 1385, 59 USPQ2d at 1697. As the court held in *Zurko*, an assessment of basic knowledge and common sense that is not based on any evidence in the record lacks substantial evidence support. *Id.* at 1385, 59 USPQ2d at 1697. See also *In re Lee*, 277 F.3d 1338, 1344-45, 61 USPQ2d 1430, 1434-35 (Fed. Cir. 2002)." (MPEP § 2144.03(A)).

"Ordinarily, there must be some form of evidence in the record to support an assertion of common knowledge. See *Lee*, 277 F.3d at 1344-45, 61 USPQ2d at 1434-35 (Fed. Cir. 2002); *Zurko*, 258 F.3d at 1386, 59 USPQ2d at 1697 (holding that **general conclusions concerning what is "basic knowledge" or "common sense" to one of ordinary skill in the art without specific factual findings and some concrete**

evidence in the record to support these findings will not support an obviousness rejection). The examiner must provide specific factual findings predicated on sound technical and scientific reasoning to support his or her conclusion of common knowledge. See *Soli*, 317 F.2d at 946, 37 USPQ at 801; *Chevenard*, 139 F.2d at 713, 60 USPQ at 241. The applicant should be presented with the explicit basis on which the examiner regards the matter as subject to official notice and be allowed to challenge the assertion in the next reply after the Office action in which the common knowledge statement was made.” (MPEP § 2144.03(B)). (Emphasis Added).

The Applicant respectfully submits that the Office Action provides no documentary evidence to support the Official Notice taken by the Examiner, yet the asserted facts are not capable of “instant and unquestionable” demonstration as being well-known. The Applicant further respectfully submits that the Applicant has adequately traversed the Examiner’s assertion of Official Notice and direct the Examiner’s attention to the pertinent text of the MPEP, which states:

If applicant adequately traverses the examiner’s assertion of official notice, the examiner must provide documentary evidence in the next Office action if the rejection is to be maintained. See 37 CFR 1.104(c)(2). See also *Zurko*, 258 F.3d at 1386, 59 USPQ2d at 1697 (“[T]he Board [or examiner] must point to some concrete evidence in the record in support of these findings” to satisfy the substantial evidence test). If the examiner is relying on personal knowledge to support the finding of what is known in the art, the examiner must provide an affidavit or declaration setting forth specific factual statements and explanation to support the finding. See 37 CFR 1.104(d)(2). (MPEP § 2144.03(C)).

Thus, if the Examiner continues to maintain the rejection of Claims 1-29 based on the Official Notice, the Applicant respectfully requests that the Examiner provide documentary evidence as necessitated by MPEP § 2144.03(C). Furthermore, if the Examiner is relying on personal knowledge to support the finding of what is known in the art, the Applicant further respectfully requests that the Examiner provide an affidavit or declaration setting forth specific factual statements and explanation to support the finding as further necessitated by MPEP § 2144.03(C).

In addition, the Applicant respectfully points the Examiner to the pertinent sections of the MPEP, directly on point to determine whether the next Office Action should be made Final. In particular, the Applicant respectfully directs the Examiner's attention to the pertinent text of the MPEP, which states:

If the examiner adds a reference in the next Office action after applicant's rebuttal, and the newly added reference is added only as directly corresponding evidence to support the prior common knowledge finding, and it does not result in a new issue or constitute a new ground of rejection, the Office action may be made final. If no amendments are made to the claims, the examiner must not rely on any other teachings in the reference if the rejection is made final. If the newly cited reference is added for reasons other than to support the prior common knowledge statement and a new ground of rejection is introduced by the examiner that is not necessitated by applicant's amendment of the claims, the rejection may not be made final. (MPEP § 2144.03(D)).

The Office Action Fails to Properly Establish a *Prima Facie* case of Obvious over the Proposed *Moshal*-Official-Notice Combination

The Applicant respectfully submits that the Office Action fails to properly establish a *prima facie* case of obviousness based on the proposed combination of *Moshal* or the Examiner's Official Notice, either individually or in combination. The Office Action has not shown the required teaching, suggestion, or motivation in these references or in knowledge generally available to those of ordinary skill in the art at the time of the invention to combine these references as proposed. The Office Action merely states that "it would have been obvious to one of ordinary skill in the art at the time of the invention *to modify the teachings of Moshal to provide a system/method/software for providing visualization of market offers*, comprising a computer system operable to: receive offer data for a plurality of offers, the received offer data reflecting values specified in the offers for a plurality of offer variables; and generate a display of the received offer data, the display comprising a plurality of patterns, each pattern representing a particular offer and comprising a plurality of bars, each bar representing a particular offer variable and comprising a set of one or more geometric display elements that by virtue of their appearance collectively encode,

according to a predefined encoding scheme, a value for the offer variable corresponding to the bar." (22 August 2006 Office Action, Pages 6-7). (Emphasis Added). The Applicant respectfully disagrees.

The Applicant further respectfully submits that this purported advantage relied on by the Examiner is nowhere disclosed, taught, or suggested in *Moshal* or the Examiner's Official Notice, either individually or in combination. In fact, the Examiner is silent on any motivation to combine the references as proposed. (22 August 2006 Office Action, Pages 6-7). The Applicant respectfully requests clarification as to how the Examiner arrives at any motivation to combine. For example, how would it have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of *Moshal* to provide Applicant's claimed invention? ***The Applicant respectfully requests the Examiner to point to the portions of Moshal or the Examiner's Official Notice which contain the teaching, suggestion, or motivation to combine these references for the Examiner's stated purported advantage.*** The Applicant further respectfully submits that the Examiner is using the subject Application as a template to formulate reconstructive hindsight, which constitutes impermissible use of hindsight under 35 U.S.C. § 103(a).

A recent Federal Circuit case makes it crystal clear that, in an obviousness situation, the ***prior art must disclose each and every element of the claimed invention, and that any motivation to combine or modify the prior art must be based upon a suggestion in the prior art.*** *In re Lee*, 61 U.S.P.Q.2d 1430 (Fed. Cir. 2002). (Emphasis Added). Conclusory statements regarding common knowledge and common sense are insufficient to support a finding of obviousness. *Id.* at 1434-35. With respect to the subject Application, the ***Examiner has not adequately supported the selection and combination of Moshal or the Examiner's Official Notice to render obvious the Applicant's claimed invention.*** The Examiner's unsupported conclusory statements that it would have been obvious to one of ordinary skill in the art at the time of the invention ***to modify the teachings of Moshal to provide*** Applicant's claimed invention, ***does not adequately address the issue of motivation to combine.*** (22 August 2006 Office Action, Pages 6-7). This factual question of motivation is material to patentability, and cannot be resolved on subjective belief and unknown authority. *Id.* It is improper, in

determining whether a person of ordinary skill would have been led to this combination of references, simply to "[use] that which the inventor taught against its teacher." *W.L. Gore v. Garlock, Inc.*, 721 F.2d 1540 (Fed. Cir. 1983). Thus, ***the Office Action fails to provide proper motivation for combining the teachings of Moshal or the Examiner's Official Notice***, either individually or in combination.

The Applicant's Claims are Patentable over the Proposed *Moshal-Official-Notice Combination*.

The Applicant respectfully submits that independent Claims 1, 10, 19, 28, and 29 are considered patentably distinguishable over the proposed combination of *Moshal* and the Examiner's Official Notice. This being the case, independent Claims 1, 10, 19, 28, and 29 are considered patentably distinguishable over the proposed combination of *Moshal* and the Examiner's Official Notice.

With respect to dependent Claims 2-9, 11-18, and 20-26: Claims 2-9 depend from independent Claim 1; Claims 11-18 depend from independent Claim 10; and Claims 20-26 depend from independent Claim 19. As mentioned above, each of independent Claims 1, 10, 19, 28, and 29 are considered patentably distinguishable over the proposed combination of *Moshal* and the Examiner's Official Notice. Thus, dependent Claims 2-9, 11-18, and 20-26 are considered to be in condition for allowance for at least the reason of depending from an allowable claim.

For at least the reasons set forth herein, the Applicant respectfully submits that Claims 1-29 are not rendered obvious by the proposed combination of *Moshal* or the Examiner's Official Notice. The Applicant further respectfully submits that Claims 1-29 are in condition for allowance. Thus, the Applicant respectfully requests that the rejection of Claims 1-29 under 35 U.S.C. § 103(a) be reconsidered and that Claims 1-29 be allowed.

THE LEGAL STANDARD FOR OBVIOUSNESS REJECTIONS UNDER 35 U.S.C. § 103:

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, ***there must be some suggestion or motivation, either in the references***

themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, **the prior art reference** (or references when combined) **must teach or suggest all the claim limitations.** The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and **not based on applicant's disclosure.** *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991); M.P.E.P. § 2142. Moreover, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (CCPA 1974). If an independent claim is nonobvious under 35 U.S.C. § 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988); M.P.E.P. § 2143.03.

With respect to alleged obviousness, **there must be something in the prior art as a whole to suggest the desirability**, and thus the obviousness, of making the combination. *Panduit Corp. v. Dennison Mfg. Co.*, 810 F.2d 1561 (Fed. Cir. 1986). In fact, the absence of a suggestion to combine is dispositive in an obviousness determination. *Gambro Lundia AB v. Baxter Healthcare Corp.*, 110 F.3d 1573 (Fed. Cir. 1997). The mere fact that the prior art can be combined or modified does not make the resultant combination obvious unless the prior art also suggests the desirability of the combination. *In re Mills*, 916 F.2d 680, 16 U.S.P.Q.2d 1430 (Fed. Cir. 1990); M.P.E.P. § 2143.01. The consistent criterion for determining obviousness is whether the prior art would have suggested to one of ordinary skill in the art that the process should be carried out and would have a reasonable likelihood of success, viewed in the light of the prior art. Both the suggestion and the expectation of success must be founded in the prior art, not in the Applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991); *In re O'Farrell*, 853 F.2d 894 (Fed. Cir. 1988); M.P.E.P. § 2142.

A recent Federal Circuit case makes it clear that, in an obviousness situation, the prior art must disclose each and every element of the claimed invention, and that any motivation to combine or modify the prior art must be based upon a suggestion in the prior art. *In re Lee*, 61 U.S.P.Q.2d 1430 (Fed. Cir. 2002). Conclusory statements regarding

common knowledge and common sense are insufficient to support a finding of obviousness. *Id.* at 1434-35.

CONCLUSION:

In view of the foregoing amendments and remarks, this application is considered to be in condition for allowance, and early reconsideration and a Notice of Allowance are earnestly solicited.

A Terminal Disclaimer to obviate a provisional double patenting rejection over a pending "reference" application is being filed concurrently herewith. **The Commissioner is hereby authorized to charge the Terminal Disclaimer fee of \$130.00 to Deposit Account No. 500777.** The transmittal letter is being filed in duplicate in order to facilitate the processing of this deposit account authorization. Although the Applicant believes no additional fees are deemed to be necessary; the undersigned hereby authorizes the Commissioner to charge any additional fees which may be required, or credit any overpayments, to **Deposit Account No. 500777.**

Please link this application to Customer No. 53184 so that its status may be checked via the PAIR System.

Respectfully submitted,

11/20/06
Date



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